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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q63251

Angelique CHAPPUIS

Appln. No.: 09/787,706

Group Art Unit: 2841

Confirmation No.: 7585

Examiner: Jeanne M. Goodwin

Filed: March 21, 2001

For: REVERSIBLE WRISTWATCH

RESPONSE UNDER 37 C.F.R. § 1.111
AND
REQUEST FOR INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In response to the Non-Final Office Action (Paper No. 11) mailed June 18, 2003, Applicant respectfully traverses the five separate statutory rejections of claims 1-12 and 14-21 under 35 U.S.C. §103(a), these rejections appearing in paragraphs 2-6 on pages 2-6 of the Office Action. Even though claim 13 is listed as "rejected" on the Office Action Summary (Form PTO-326), there is **no** statutory rejection of claim 13.

Applicant notes that the Examiner now agrees with Applicant that claims 1 (independent), 3, 4 and 6 (and new claim 15) are not anticipated by Goldenberg '381, and now rejects these claims under 35 U.S.C. §103(a) as being unpatentable (obvious) over Goldenberg in view of Aellen '606 (**newly applied**).

The rejections of the remaining original claims 2, 5 and 7-12 (and of the corresponding new claims 14-21, **but not claim 13**) under 35 U.S.C. §103(a) are identical to the corresponding

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rejections in the first Office Action, with the exception that Aellen '606 is now added to the combination of applied prior art references in an attempt to show features which are missing from the previously applied prior art.

Applicant respectfully traverses all five of the statutory rejections which now include Aellen '606 as an applied reference.

Even though the Examiner has not provided a statutory rejection of independent claim 13 to indicate the manner in which she finds *prima facie* obviousness in the subject matter of claim 13, Applicant will assume that claim 13 is rejected like claim 1, and will include claim 13 in Applicant's rebuttal arguments, insofar as the claim 13 features are the same as those of claims 1 and 15.

The invention defined in independent claims 1, 13 and 15 relates to a reversible wristwatch including two cases, namely, a first case enclosing first elements able to control a first display, and a second case enclosing second elements able to control a second display, said first and second cases each having a back cover and being placed back-to-back. Each of said first and second cases includes at least one securing element, secured in a removable manner to a corresponding securing element of the other case, to secure the first and second cases to each other in a position in which their respective back covers are **adjacent**. The **combination** of features recited in the claims produces a novel and unobvious reversible wristwatch structure which can be manufactured at moderate cost. In particular, one can thus realize a reversible watch using two inexpensive ordinary quartz watches, **each** having a complete waterproof case with a battery hatch in its back cover.

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Independent claims 1 and 15 (and 13?) have been rejected under 35 U.S.C. §103 as being unpatentable over US Patent 5,479,381 (Goldenberg) in view of US Patent 4,831,606 (Aellen).

As the Examiner states, Goldenberg discloses a reversible watch having first and second case assemblies (called "faces") 20 and 30 enclosing respective watch movements 22 and 32, and the movements are mounted in juxtaposition in a back-to-back arrangement as shown in Fig 3 (see col. 2, lines 49-62). Both case assemblies have pairs of horns for attachment to a flexible watchband 50 (see Figs. 1-3 and col. 3, lines 33-34).

Regarding independent claims 1 and 15 (and 13?), the Examiner states in the middle of page 2 of the Office Action: "Goldenberg discloses all the subject matter claimed by the applicant"....

However, Applicant must again respectfully **disagree**, because, as already emphasized in Applicant's preceding response: Goldenberg fails at least to disclose: two watch cases each having a back cover; and the two cases being secured to each other in a position in which their respective back covers are adjacent, as claimed in independent claims 1, 13 and 15.

Aellen also does not disclose or suggest this claimed feature. Rather, Aellen discloses a watch comprising a complete watchcase 2 and a cap 5 covering at least partially the top and lateral surfaces of the watch. Cap 5 clearly has no back cover. Hence, Aellen **cannot** suggest to modify Goldenberg's arrangement to provide said "watch faces" with respective back covers.

Moreover, when the Examiner states on page 2: "Furthermore, it **appears** that the horns are arranged on the back and front of each case, respectively", Applicant cannot understand what the Examiner considers to be the "front" and the "back", respectively, of each "case" in Goldenberg's watch. In Goldenberg's disclosure, Fig. 4 is a front perspective view and shows the

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front sides of the "faces" 20, 30, i.e. the time-displaying sides. There are no horns on such front sides. The same is true for the back sides, considering Fig. 5. This misinterpretation of Goldenberg may explain the reasons for some of the Examiner's statements which are not understood by Applicant.

The above arguments are addressed to the independent claims 1, 13 and 15 and to the patentability (non-obviousness) thereof over the basic combination of Goldenberg and Aellen. Since the rejections of the dependent claims 2-12 (and the corresponding new dependent claims 14, 16-21) are identical to the previous rejections of these dependent claims except for including Aellen in each combination, Applicant incorporates herein by reference Applicant's previous remarks regarding these dependent claims which are patentable not only because of the patentability of their respective independent claims, but also because of the novel and non-obvious additional combinations created by the limitations of these respective dependent claims, which combinations, each taken as whole, would not have been obvious for the reasons presented in Applicant's previous response.

In summary, then, Applicant respectfully requests the Examiner carefully to reconsider and withdraw all the rejections under 35 U.S.C. §103(a) with respect to claims 1-12 and 14-21, and to find the application to be in condition for allowance with all of claims 1-12, 13, and 14-21. Applicant respectfully submits that Applicant is entitled to a statutory rejection and an Examiner's statement of statutory *prima facie* obviousness of the subject matter of claim 13 (if, in fact, claim 13 was intended to be rejected like claims 1 and 15), so that Applicant will have a fair opportunity explicitly to respond to such a statutory rejection. In this regard, Applicant notes that, in the 7th line from the bottom of page 2 of the Office Action, the Examiner refers to "claim

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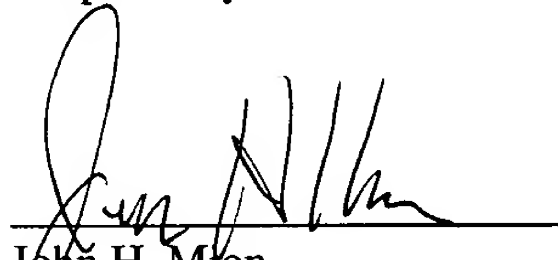
13" and twice to "claim 6", thereby adding to the confusion of the status of claim 13. Since this application was filed on March 21, 2001, and since this is the **third** non-final Office Action, and since Applicant is very desirous of expediting the disposition (allowance) of the application, Applicant invites Examiner Goodwin to call the undersigned attorney to discuss the status of claim 13 (and also of the application, in general if the application is not now allowable).

REQUEST FOR INTERVIEW

If for any reason the Examiner considers the application not to be condition for allowance with all of claims 1-21, Applicant respectfully requests the Examiner to **call the undersigned Attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant files concurrently herewith a Petition (with fee) for an Extension of Time of three (3) months. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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WASHINGTON OFFICE
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